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COMMONWEALTH of VIRGINIA

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Erik C. Johnston
Director

TO: City & Town Managers and County Administrators
VA Building Officials
VA Fire Officials
VA Maintenance Officials

FROM: Cindy L Davis, CBO, Deputy Director
Division of Building & Fire Regulations
VA Department of Housing & Community Development

DATE: September 17, 2018

RE: 2015 Virginia Code Update

The purpose of this memo is to share information about new editions of the Virginia Uniform Statewide Building Code (USBC) and Statewide Fire Prevention Code (SFPC).

Uniform Statewide Building Code (USBC)

You may already be aware that the 2015 Virginia USBC was effective September 4, 2018. The USBC includes the Virginia Construction Code, Virginia Existing Building Code and the Virginia Maintenance Code. As has been the case historically, there is a one year grace period for permit applicants to choose either the 2012 VA Codes or the newly effective 2015 Codes.

We are pleased to announce that the Virginia Department of Housing and Community Development (DHCD) will be providing each jurisdiction with a complete set of custom books with Virginia amendments as soon as the publication of those documents has been finalized. We anticipate the custom codes to be available by the end of the year. In the meantime, the complete regulations of amendments to the national model codes are available on our website at this link: [2015 Regulations](#)

Statewide Fire Prevention Code (SFPC)

The Virginia SFPC is scheduled to have an effective date of October 16, 2018. The later effective date is the result of extensive work undertaken over the past three years, at the direction of the Board of Housing and Community Development (BHCD), to remove provisions of the SFPC that do not comport with Virginia statutory authority. Virginia law authorizes the SFPC for operation and maintenance to the extent that it does not affect the method of construction.



Please be assured that any and all authority available to a local fire official to regulate operations in existing buildings and to ensure existing buildings are maintained in a safe manner has not changed in the 2015 SFPC. The work done by stakeholders was limited to removing construction requirements that only apply to new construction and replacing them with maintenance language. Previous attempts at clarifying relied on administrative language being added in Chapter One of the SFPC reminding users that construction related provisions in the SFPC were not enforceable. Unfortunately this resulted in confusion.

While the Virginia SFPC and Virginia Maintenance Code have always required buildings to be maintained in accordance with the code under which they were legally constructed, it was brought to our attention during this code update process that some jurisdictions did not have complete technical libraries needed to enforce prior code requirements. To that end, DHCD has purchased a complete library of every code ever enforced in Virginia from the early 1970's to current day for each jurisdiction that enforces the USBC. Those libraries were distributed in April and are in PDF format.

As always, DHCD is committed to providing technical resources and assistance to jurisdictions. We stand ready to partner with you to implement these new regulations and to answer any questions you or your staff may have regarding the regulations recently approved by the Board of Housing and Community Development. Contact information for DHCD staff is below.

CLD

Attachments

C: Erik Johnston, Director VA Department of Housing & Community Development
Jeffrey Brown, Director State Building Codes Office
Sandi Morris, Director VA Code Academy

Cindy Davis
Cindy.davis@dhcd.virginia.gov
804-371-7151

Jeff Brown
jeff.brown@dhcd.virginia.gov
804-371-7161

Sandi Morris
sandi.morris@dhcd.virginia.gov
804-371-7181



SFPC Definitions

The following are two consensus definitions that were developed by Workgroup 2 (Fire Code Edits) and moved forward as consensus by Workgroup 2 and the combined Workgroup 1-4 in August 2017. These consensus definitions are included in section 202 of the approved 2015 SFPC final regulations.

APPLICABLE BUILDING CODE. The local or statewide building code and referenced standards in effect at the time the building or portion thereof was constructed, altered, renovated or underwent a change of occupancy. See Section 103 for the application of the code.

MAINTAINED. To keep unimpaired in an appropriate condition, operation, and continuance as installed in accordance with the applicable building code, or as previously approved, and in accordance with the applicable operational and maintenance provisions of this code.



Excerpts from Virginia Statutes

§ 27-97. Adoption of Fire Prevention Code.

The Fire Prevention Code shall supersede fire prevention regulations heretofore adopted by local governments or other political subdivisions. Local governments are hereby empowered to adopt fire prevention regulations that are more restrictive or more extensive in scope than the Fire Prevention Code provided such regulations do not affect the manner of construction, or materials to be used in the erection, alteration, repair, or use of a building or structure, including the voluntary installation of smoke alarms and regulation and inspections thereof in commercial buildings where such smoke alarms are not required under the provisions of the Code.

§ 36-119.1. Existing buildings.

This chapter shall not supersede provisions of the Fire Prevention Code promulgated by the Board under § [27-97](#), that prescribe standards to be complied with in existing buildings or structures, provided that such regulations shall not impose requirements that are more restrictive than those of the Uniform Statewide Building Code under which the buildings or structures were constructed. Subsequent alteration, enlargement, rehabilitation, repair, or conversion of the occupancy classification of such buildings and structures shall be subject to the construction and rehabilitation provisions of the Building Code.

Excerpts from Chapter 1 of the Statewide Fire Prevention Code

D. 101.4. Validity: To the extent that any provisions of the SFPC or the referenced codes or standards are not within the scope of this chapter, those provisions are considered to be invalid. When any provision of the SFPC is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid.

